



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BAXTER HEALTHCARE CORPORATION
ONE BAXTER PARKWAY
DF2-2E
DEERFIELD IL 60015

COPY MAILED

MAR 15 2006

OFFICE OF PETITIONS

In re Application of
Westberg et al.
Application No. **10/828,359**
Filed: April 20, 2004
Attorney Docket No. F-5495 DIV (0360-
0172.01)

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10(d), filed January 18, 2006, requesting that the above-identified application be accorded a filing date of April 20, 2004, rather than the presently accorded filing date of April 17, 2004.

Petitioner alleges that the application was deposited in Express Mail service on April 20, 2004. The petition is accompanied by a copy of Express Mail label No. EV318693190US. The Express Mail label contains a "date in" of April 14, 2004. However, the United States Postal Service Track & Confirm information indicates that the USPS accepted a package, bearing Express Mail label No. EV318693190US on April 20, 2004, at 5:25 PM in Brookfield, WI 53045. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is granted.

This Office of Initial Patent Examination is directed to correct the filing date of the above-identified application to April 20, 2004, and mail a corrected filing receipt.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions